

**AREA PLAN COMMISSION OF TIPPECANOE COUNTY
EXECUTIVE COMMITTEE
MINUTES OF PUBLIC HEARING**

DATEApril 2, 2003
TIME4:30 P.M.
PLACECO. OFFICE BLDG.
20 N. 3RD STREET
LAFAYETTE IN 47901

MEMBERS PRESENT

Karl Rutherford
Jan Mills
David Williams
James Miller

MEMBERS ABSENT

Jeff Kessler
Jack Rhoda
Mark Hermodson

STAFF PRESENT

James Hawley
Margy Deverall
Kathy Lind
Krista Trout
Michelle D'Andrea
Jay Seeger, Attorney

Jan Mills called the meeting to order.

I. APPROVAL OF MINUTES

Karl Rutherford moved to approve the minutes of the March 5, 2003, Executive Committee public hearing as submitted. David Williams seconded and the motion carried by voice vote.

II. NEW BUSINESS

A. REVIEW AND APPROVAL OF CONTRACT FOR LEGAL SERVICES

James Hawley pointed out that Review and Approval of Contract for Legal Services was added to tonight's agenda. He informed the Committee that a fax of the contract was sent out to members earlier today with revisions that Jay Seeger had made yesterday. He advised the Committee that it should be acted on tonight so that services were continual. He mentioned that most of the case load and files have been transferred to Jay Seeger with the exception of one case, which is a conflict of interest, therefore, Gambbs, Mucker and Bauman will continue working on that it. He stated that Gambbs, Mucker and Bauman and Jay Seeger came to the mutual agreement that the transfer would start with the month of April, so that billing was not divided. He said that Jay Seeger has already attended two court hearings on pending cases. He informed the Committee that **RE-0008—MEADOWGATE ESTATES SUBDIVISION (RURAL ESTATE-PRELIMINARY PLAT)** needed to be continued to the May 7, 2003 Executive Committee meeting because a variance on the length of the cul-de-sac road must first be obtained from the County Commissioners. He stated that **S-3290—RED HAWK RIDGE SUBDIVISION (MINOR-SKETCH)** needed to be continued to the April 16, 2003 Area Plan Commission public meeting because no Health Department letter was received.

Karl Rutherford moved to approve the Contract for Legal Services. Dave Williams seconded and the motion passed by voice vote.

III. PUBLIC HEARING

Karl Rutherford moved that the Comprehensive Plan for Tippecanoe County, the Unified Zoning Ordinance of Tippecanoe County, and the Unified Subdivision Ordinance for Tippecanoe County, Indiana are hereby entered by reference into the record of each agenda item. David Williams seconded and the motion carried by voice vote.

Karl Rutherford moved to continue **RE-0008—MEADOWGATE ESTATES SUBDIVISION (RURAL ESTATE-PRELIMINARY PLAT)** to the May 7, 2003 Executive Committee meeting and **S-3290—RED HAWK RIDGE SUBDIVISION (MINOR-SKETCH)** to the April 16, 2003 Area Plan Commission regular public meeting. David Williams seconded and the motion carried by voice vote.

A. SUBDIVISIONS

1. **RE-0007—HAGGERTY HOLLOW SUBDIVISION (RURAL ESTATE-PRELIMINARY PLAT):** Petitioner is seeking primary approval for a 12-lot rural estate subdivision on 27.36 acres. The site is located at the southwest corner of CR 800 E and CR 200 S, Sheffield 4 (NE) 22-3. CONTINUED FROM THE MARCH EXECUTIVE COMMITTEE MEETING.

Karl Rutherford moved to hear and vote on the above-described request. David Williams seconded the motion.

James Hawley read staff report with recommendation of conditional primary approval contingent on the following conditions:

CONSTRUCTION PLANS – The following items shall be part of the Construction Plans application and approval:

1. An Erosion and Sediment Control Plan meeting the requirements of 327 I.A.C. 15-5 shall be approved by the Tippecanoe County Soil and Water Conservation District and meeting the requirements of the County Drainage Board as required by Tippecanoe County Ordinance #93-18-CM.
2. The County Drainage Board shall approve the drainage plans.
3. An on-site utility coordinating sheet shall be approved and signed-off by the non-government utility companies. If any of these utilities are being extended from an off-site location, this extension shall be made a part of the utility coordinating sheet.
4. A 100' setback from the Flood Plain boundary shall be added to Lot 8.
5. The County Highway Department must approve the entrance location and design.
6. Perimeter drain design shall be shown.

FINAL PLAT – The following items shall be part of the Secondary Application and Final Plat approval:

7. Except for the approved entrance(s), a "No Vehicular Access" statement shall be platted along the CR 800 E and CR 200 S right-of-way lines as shown on the preliminary plat.
8. If there is a mortgage on this property, a recorded partial release or written acknowledgment from the mortgage company must be obtained in order to dedicate the necessary right-of-way.
9. All existing easements, covenants or restrictions shall be shown and referenced with the corresponding recording information (Document Number and date recorded).
10. All required building setbacks shall be platted.
11. The Regulatory Flood Elevation and Boundary for the Wildcat Creek Flood Plain shall be shown.
12. The street addresses and County Auditor's Key Number shall be shown.
13. All approved perimeter drain easements.

SUBDIVISION COVENANTS – The following items shall be part of the subdivision covenants:

14. The "No Vehicular Access" restriction shall be made enforceable by the Area Plan Commission and irrevocable by the lot owners.
15. The purpose, ownership and maintenance of Outlot A.

James Hawley presented slides of the zoning map, aerial photo and sketch plan. He mentioned that the petitioner has requested permission to bond.

Paul Coutts, C&S Engineering, 1719 Monon Ave, Lafayette, IN, representation Frank Spain, stated that they concur with all the conditions. He asked for approval.

The Committee voted by ballot 4 yes to 0 no to approve **RE-0007—HAGGERTY HOLLOW SUBDIVISION (RURAL ESTATE-PRELIMINARY PLAT).**

The Committee voted by ballot 4 yes to 0 no to permit bonding.

2. **S-3293—TIPPE POINTE SUBDIVISION (MINOR-SKETCH):** Petitioner is seeking primary approval of a 4-lot subdivision on 5.306 acres, located at the northwest corner of Grant and Pretty Prairie Roads, Tippecanoe 9 (NE) 24-3.

Karl Rutherford moved to hear and vote on the above-described request. David Williams seconded the motion.

James Hawley read staff report with recommendation of conditional primary approval contingent on the following conditions:

A. Conditions

FINAL PLAT – The following items shall be part of the Secondary Application and Final Plat approval:

1. Except for the approved entrance, a "No Vehicular Access" statement shall be platted along the Pretty Prairie Road and Grant Road right-of-way lines of Lot 1.
2. If there is a mortgage on this property, a recorded partial release or written acknowledgment from the mortgage company must be obtained in order to dedicate the necessary right-of-way.
3. All existing easements, covenants or restrictions shall be shown and referenced with the corresponding recording information (Document Number and date recorded).
4. All required building setbacks shall be platted.
5. Street addresses and County Auditor's Key Number shall be shown.

SUBDIVISION COVENANTS – The following items shall be part of the subdivision covenants:

6. The "No Vehicular Access" restriction shall be made enforceable by the Area Plan Commission and irrevocable by the lot owners.

James Hawley presented slides of the zoning map, aerial photo and sketch plan.

Nick Starr, from Starr Associates, 413 Teal Road, Lafayette, IN, representing the petitioner, stated that they concur with all the conditions.

The Committee voted by ballot 4 yes to 0 no to **S-3293—TIPPE POINTE SUBDIVISION (MINOR-SKETCH).**

3. **S-3294—SHORT SUBDIVISION (MINOR-SKETCH):** Petitioner is seeking primary approval of a 2-lot subdivision on 0.25 acres (a replat of Lot 12, Gregory's 1st Addition), located at the southwest corner of Main and Market Streets, in the Town of Dayton, Sheffield 4(SW)22-3.

Karl Rutherford moved to hear and vote on the above-described request. David Williams seconded the motion.

James Hawley read staff report with recommendation of conditional primary approval contingent on the following conditions:

A. Conditions

FINAL PLAT – The following items shall be part of the Secondary Application and Final Plat approval:

1. All existing easements, covenants or restrictions shall be shown and referenced with the corresponding recording information (Document Number and date recorded).
2. All required building setbacks shall be platted.
3. Street addresses and County Auditor's Key Number shall be shown.

James Hawley presented slides of zoning map, aerial photo and sketch plan.

Joseph T. Bumbleburg, PO Box 1535, Lafayette, IN, representing the petitioner, stated that Mrs. Short was present. He mentioned that this type of subdivision has been approved in the town of Dayton before. He stated that no variances were required, it conforms to the Zoning Ordinance and

the conditions are acceptable. He said that this was a valuable infill for the Town of Dayton. He reiterated that this was a good use of the property. He asked for approval.

The Committee voted by ballot 4 yes to 0 no to approve **S-3294—SHORT SUBDIVISION (MINOR-SKETCH)**.

**IV. APPROVAL OF THE APRIL 16, 2003 APC PUBLIC HEARING AGENDA
PUBLIC HEARING**

A. ORDINANCE AMENDMENTS

Karl Rutherford moved that the following amendments be placed on the April 16, 2003 Area Plan Commission Public Hearing Agenda:

UZO AMENDMENT #36:

To allow excavating and building contractors with a special exception in A, AW, and AA zones and require special setbacks and buffering requirements for these businesses when abutting residential uses.

David Williams seconded and the motion was carried by voice vote.

B. REZONING ACTIVITIES

Karl Rutherford moved that the following rezone petitions be placed on the April 16, 2003 Area Plan Commission Public Hearing Agenda:

Z-2111—R. GREGG SUTTER (A TO RE) (Gray Mare South Subdivision)

Z-2113—WILLIAM J. ABBOTT (I3 TO I2)

Z-2115—G & L DEVELOPMENT c/o MARIANNE MITTEN OWEN (OR TO R1)

**Z-2116—CHARLES R. VAUGHAN, HELEN L. VAUGHAN AND CHARLES R. VAUGHAN
IRREVOCABLE TRUST (R1 TO GB)**

Z-2117—DAVID C. KOVICH (VALLEY RIDGE PLANNED DEVELOPMENT) (R1 TO PDRS)

**Z-2119—TRI-NORTH DEVELOPMENT, LLC, BY JOHN B. SCHEUMANN, MEMBER (BRITTANY
CHASE PLANNED DEVELOPMENT) (R2, R3 & GB TO PDRS)**

Z-2120—MATT SUTTER (GB TO CB)

Z-2121—BHNH, LLC (AW TO RE)

David Williams seconded and the motion carried by voice vote.

C. SUBDIVISIONS

Karl Rutherford moved that the following subdivision petitions be placed on the April 16, 2003 Area Plan Commission Public Hearing Agenda at petitioner's request, placement thereon being without reference to compliance or non-compliance with the adopted subdivision ordinance:

S-3299—KORTY KORNER REPLAT OF LOT 7A (MINOR-SKETCH)

S-3301—HAWTHORNE LAKES (MAJOR-PRELIMINARY)

S-3302—COOK BIOTECH SUBDIVISION (MINOR-SKETCH)

S-3303—NORFOLK CROSSING SUBDIVISION (MAJOR-PRELIMINARY)

S-3304—STOLZ SECOND MINOR SUBDIVISION (MINOR-SKETCH)

S-3305—McCOOL MINOR SUBDIVISION (MINOR-SKETCH)

David Williams seconded and the motion carried by voice vote.

V. REVIEW AND APPROVAL OF THE APRIL ABZA PUBLIC HEARING AGENDA

Karl Rutherford moved to place the following petitions on the April 23, 2003 Area Board Of Zoning Appeals Public Agenda.

BZA-1632—JAY JOLLEY/SIGMAN INC.

BZA-1634—HAWKINS OUTDOOR

BZA-1635-BURTON & MELINDA ETCHISON

David Williams seconded and the motion carried by voice vote.

Karl Rutherford moved that the following petition for Special Exception does not substantially, adversely affect the Comprehensive Plan.

BZA-1635—BURTON & MELINDA ETCHISON

David Williams seconded and the motion carried by voice vote.

Karl Rutherford moved that with regard to the following petitions, the sign ordinance be strictly adhered to:

BZA-1632—JAY JOLLEY/SIGMAN INC.

BZA-1634—HAWKINS OUTDOOR

David Williams seconded and the motion carried by voice vote.

VI. DETERMINATION OF VARIANCES

A. Lafayette Division of the Area Board of Zoning Appeals

Karl Rutherford moved that the following requests for variance from the Unified Zoning Ordinance are not requests for use variance, prohibited from consideration by ordinance and statute:

CASE #2003-11—SALIN BANK AND TRUST COMPANY

CASE #2003-12—SAGAMORE II, LLC

CASE #2003-13—HAWKINS OUTDOOR

CASE #2003-14—THOMAS & MICHELLE HICKS

CASE #2003-15—CARBIN DEVELOPMENT, LLC

CASE #2003-16—ELISIO A. MONTOYA

David Williams seconded and the motion carried by voice vote.

Karl Rutherford moved that with regard to the following petitions, the sign ordinance be strictly adhered to:

CASE #2003-11—SALIN BANK AND TRUST COMPANY

CASE #2003-12—SAGAMORE II, LLC

CASE #2003-13—HAWKINS OUTDOOR

David Williams seconded and the motion carried by voice vote.

VII. REVIEW AND APPROVAL OF THE JANUARY BUDGET REPORT

Karl Rutherford moved to accept the March 2003 Budget Report as submitted. David Williams seconded the motion.

James Hawley stated that it is early in the year, but given the current caseload, additional funds will have to be requested from the Council to cover legal counsel.

The motion carried by voice vote.

VIII. OTHER BUSINESS

James Hawley commented that the intent was not to have restrictions on the length of cul-de-sac roads in RE subdivisions. He pointed out that the way it was put into the ordinance makes it subject to the 800' restriction. He said that was something that the Ordinance Committee would have to address, but the Meadowgate Estate Subdivision would still have to go through the variance process.

Karl Rutherford asked why the Ordinance Committee meeting was cancelled for this evening.

James Hawley stated that Sallie Fahey was supposed to supply all of the information for that meeting and she is in Denver at a conference. He said that without that information, there was no other topic pending.

Jan Mills asked if an Ordinance Committee meeting date should be set.

James Hawley stated that there is a full Commission Work Session to discuss the search for a director on April 8, a full Commission Work Session to continue discussion on the efficiency suggestions on April 15 and the next Ordinance Committee is scheduled on April 22.

Karl Rutherford mentioned that many Commissioners would be out of town on April 8.

David Williams stated that himself and Steve Schreckengast would be out of town April 8.

James Hawley reiterated that April 8 was the meeting to discuss the search for a director.

Jan Mills pointed out that would be the first of many meetings on the subject.

David Williams stated that he had made a verbal request to Jack Rhoda, and would formalize in writing, that the entire Commission be involved in the search for the director.

James Hawley stated that the reason that the Work Session was scheduled, was so that the entire Commission could be involved.

IX. ADJOURNMENT

Karl Rutherford moved to adjourn the meeting. David Williams seconded and the motion carried by voice vote.

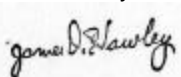
The meeting adjourned at 5:05 P.M.

Respectfully submitted,



Michelle D'Andrea
Recording Secretary

Reviewed by,



James D. Hawley
Executive Director